

February 5, 2009

Meeting began at 7:05 p.m.

Present: Bill Muse, Mayor; Randy Ripplinger, Dennis Bertucci, Wendell Roundy, Gladys LeFevre, Councilmembers; Judi Davis, Clerk; Peg Smith and Sergio Femenias, Mike Nelson, Alyssa Thompson, Walt Gove, Mark Nelson, Caroline Gaudy, Ashley Coombs, Susan Heaton, Matt Cochran and Constance Lynn, Kris , Erin , Loch Wade, Lisa Varga and Keith Watts.

Pledge of allegiance

Gladys made a motion the minutes of the meetings of December 31, January 7, and January 23 be approved as presented. Dennis seconded the motion. The vote was unanimous.

Constance gave an update on her research into recycling. Kris and Erin from Escalante have started a recycling business there and are willing to work with us. She understands that Loch might be willing to transport materials to Escalante, or the ladies could come here to pick up. All the businesses want it, but some either aren't able or willing to pay for it. They would come here once a week for \$400/month, including stopping at each business and the central town site. The cost would be divided among the participants, with the businesses paying \$200-250/month because their volume would increase the recyclers' trips to Cedar City.

Erin explained their Escalante arrangement, which includes home pickup once a week for \$15. Because we are so spread out, they wouldn't be able to do that here. They would haul the recyclables to Escalante, then to Cedar City. The recycle market (except aluminum) is at zero right now, so they do the work from a desire to help and make their money from the fees.

Loch said he could haul a load to Escalante for \$75. Bill is concerned that our volume is unknown at this point. They don't have storage capacity. We could be flexible. It will take a while to get people accustomed to participating and to get the volume stabilized after the season begins. We would need a central location with five bins of some sort. The paying businesses would contract separately. (Robert and Donna Owen came.) The preliminary fee would be flexible, depending on what happens.

Escalante is going to see if they can tie into a State program which would create a rural tax zone to reduce taxes for recycling programs. The County is also interested in recycling. Gladys thinks recycling is a great idea but is opposed to using tax money to

pay for it and would rather see a private business make arrangements on their own. Loch may consider doing local pick up, but if it's a business for him it has to pay. He suggested that maybe the local businesses could charge individuals to use their bins. Could we ask homes to contribute? Peg asked if individuals could subscribe to the Escalante business and they would in turn contract with Loch to pick it up here and haul it to Escalante. They are willing to work with whatever solution we come up with. Donna feels the resort tax should be used to pay for this, as recycling could be a solution to a problem partly caused by tourism and the tax was put into place partly to help offset tourism impacts. Gladys agreed that she wouldn't have a problem using some resort tax for this purpose.

Donna wondered what was being considered a business and what businesses would be asked to pay. Mark thinks recycling is a good idea but doesn't think we should pay. If the town uses its funds, we're not saving. The County is trying to keep costs down. Would they contribute to the recycling effort in exchange for having less garbage to haul? Robert reiterated what Gladys has already emphasized: we do pay the County through taxes. Recycling will alleviate their needs. The fact is that people come here and they generate garbage. He thinks the town should put some resort tax money back into alleviating this problem. They try to recycle their cardboard any way they can. Maybe everyone should help pay. How do we do the bins? Donna asked if we could start with just one or two categories of waste, i.e. cardboard and one other, then add the others later.

There would be a beginning fee which could change as a pattern develops. Loch would like to see it done on a private business basis. Then we would know right away if it would fly. If it can work, someone will make it work. The ladies will work with the businesses. If the town will have them come once a week and come up with \$400, including the businesses, they would work with the businesses to come up with a rate depending on volume and type of waste, with the understanding that the costs could be higher or lower as the season and experience proceed. As seasons and volume change, fewer trips per month may be enough.

The annual County Commissioners' meeting for elected officials will be February 9. We could take some of these questions to the County at that meeting. Dennis doesn't object to using some resort tax to help. His concern is that the costs may go up. Donna suggested that individuals could pay businesses to take their garbage and the town could subsidize them. Bill thinks having many locations would work.

Bill read a letter from the Planning Commission regarding sign violations by Gibbs Smith and John Austin, both of whom erected signs without permits. An application for a change in the Zoning Ordinance was received from Gibbs Smith after the PC letter was written. Wendell stated that there is a similar sign in the Boulder King Ranch Estates

Subdivision. (It is at Kendall Payne's lot.) Gibbs' sign could be put on the fence beside the gate, as long as it isn't more than 16 square feet in area. Mark believes that, if he had asked for a permit before he put it up, it would have been denied and therefore wouldn't be a problem now, so the burden to fix the problem is his. Bill suggested we write to Gibbs and let him know that the sign will have to come down while the application for an ordinance change goes through the process. He will have 30 days to take it down. If the sign doesn't cover more than 16 sq. ft. and meets all other requirements, he can also submit an application for a permit to place it on the fence. The same letter, where applicable, will be sent to Kendall Payne.

John Austin's sign is too large. It is 24 square feet, but a free-standing sign can only be 16 sq. ft. We will send him a letter giving him 30 days to take the sign down. As suggested by the PC, a sign of that size could, with a permit, be placed on a building. As it is, it is non-compliant and must come down. Peg brought up the subject of other non-conforming signs. Some were grandfathered in. We can't set a precedent by letting non-compliant signs slide.

The Town Hall rental policy was discussed. There was support for the idea that the building should be available for use without charge for any activity that was open to anyone and wasn't charging a fee. Gladys asked if there is a difference in our liability and other insurance if we charge or if we don't charge or if an activity is open to anyone with no charge as opposed to asking for donations. Is the town liable if someone is hurt during a private activity whether there is or isn't a charge. Judi will check with the insurance company.

There will be a meeting Saturday at 2:00 at the museum for an economic forum. Don Montoya will host it. Mike Nelson presented a sample letter and requested that the Town Council endorse a request that UDOT not spray the highway rights-of-way because of the harm that could be done to the planned increase in bee population. The Council asked Mike to find out if they just do selective spraying and what chemicals they use. It will be considered next month when more information is available.

The annual County Commissioners' meeting for elected officials will be February 9 at 6:00 in Tropic at the Pizza Place. Randy will car pool with Bill, and Gladys will let them know if she can go. Dennis will be out of town.

Walt discussed proposed Highway 12 improvements which have been in the works for a number of years. He is concerned about some of the proposals and has asked for a public hearing to be held in Boulder. He wanted us to be aware of his request.

Open meetings training was conducted.

Gladys made a motion the Council go to Executive Session. Randy seconded the motion. The vote was as follows:

Wendell	Aye
Gladys	Aye
Dennis	Aye
Randy	Aye
Bill	Aye

The Council adjourned to the south room of the Town Hall for Executive Session at 9:10 p.m.

At 9:20, the Council returned and Gladys made a motion that open meeting resume. Dennis seconded the motion. The vote was as follows:

Wendell	Aye
Gladys	Aye
Dennis	Aye
Randy	Aye
Bill	Aye

The mayor appointed Bobbie Cleave to fill a vacancy on the Planning Commission. The Council unanimously approved the appointment.

The mayor recommended we hire Mark McIlff to be the town's attorney. The Council unanimously approved the recommendation.

Department reports were given. Wendell asked that we establish a policy with Boulder Farmstead and the phone company on the excavation of roads. We have an ordinance that requires a permit and a deposit before any excavation is done, although South Central's franchise agreement with us allows them to do it without a permit for each excavation. Phil and Torrian/Boulder Farmstead didn't get a permit, but took a small chunk out of the road, and now the erosion has extended well into the road and no one is admitting responsibility for fixing it. We will modify the building permit process to make people aware of the requirement. The County hasn't had any hot mix to patch excavations for the last few years. Wendell has let them know we need to have some chip sealing done. There will be a UDOT meeting March 26 from 9:00-11:00 in Panguitch to discuss upcoming projects in our area. The County has gravel available. They would deliver and spread it for \$25/yard to the Town. We can use some on the road to Darrell Alvey's and on the road to the house Daniel Reeder lives in.

Gladys and Sergio will hold a public meeting to discuss the cemetery Tuesday, February 24, at 5:00 at the Town Hall.

A building permit for a single family dwelling was issued to Phil and Torrian Nelson last month. Gladys asked about enforcement of building permit issues. A few that slipped by last year will be enforced this year, and some that have been questioned are legal. The question was asked if people can live in a barn. The answer depends partly on whether it has water and septic.

The Fire Department has received a refund from rooms not used at Fire School. Pete is working on a list of needs. On behalf of the EMT's, Randy thanked the Fire Department for their help on a call. Randy discussed funding for the EMTs. Ruby's Inn will bill us once a month for the room.

Randy and Mark will get together to come up with suggested wording for a High Density Residential section for the General Plan.

Wendell made a motion the meeting adjourn. Gladys seconded the motion. The vote was unanimous.

The meeting adjourned at 9:50 p.m.

Minutes prepared by Judith Davis, Town Clerk

Approved by Bill Muse, Mayor